IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 249 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16th September, 2004 in W.P.No.16597 of 2004 on the file of the High Court)

Between:

The Primary Agricultural Co-operative Society, Lakshmipuram, represented by its In-charge Secretary, SriT.Krishna Rao,Lakshmipuram Challapalli Mandal, Krishna District.

APPELLANT.

AND:

1. Panchaparvla Kanya Nageswara Rao, son of Kerishna Murthy, PACS, Lakshmipuram,Circarthota, Machilipatnam.
2. The District Co-operatived Officer, Krishna, Machilipatnam.
3. The General Manager, Krishna District Co-operative Central Bank Ltd., Machilipatnam, Krishna District.

RESPONDENTS.

Counsel for the Appellant : BOBBA VIJAYALAKSHMI.

Counsel for the Respondent No.1: MR.T.LAKSHMINARAYANA

Counsel for the Respondent No.2: G.P. FOR CO-OPERATION.

Counsel for the Respondent No.3: MR. B.ADINARAYANA RAO.

The Court made the following:

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The writ appeal is filed by the third respondent-society in the writ petition aggrieved by the order passed by the learned single Judge which was passed, at the stage of admission, directing the third respondent-appellant to pay the subsistence allowance for the entire period of suspension to the writ petitioner.

The grievance of the appellant is that no notice was issued before passing the impugned order by the learned single Judge. Apart from that, according to the learned counsel, the writ petitioner has already approached the authorities under the A.P. Shops and Establishment Act 1988 and an application filed before the said authority for the relief for subsistence allowance, is still pending.

In view of the fact that the writ petitioner has already availed the remedy available under the statute, he cannot file the writ petition and the same is not maintainable.

Heard both the learned counsel and considered the material on record.

In view of the fact that the writ petitioner has already approached the authority under the A.P. Shops and Establishment Act, the present writ petition is not maintainable.

Therefore, we set aside the order of the learned single Judge. We further direct the authorities under the A.P. Shops and Establishment Act to dispose of the application filed by the writ petitioner expeditiously.

Accordingly, the writ appeal is allowed.

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Justice T.Meena Kumari

Date : 09th February, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1, The In-charge Secretary, Sri T.Krishna Rao, Lakshmipuram, The Primary Agricultural Co-operative Society, Lakshmipuram, Challapalli Mandal, Krishna District.

2.The District Co-operative Officer, Krishna, Machilipatnam.

3.The General Manager, Krishna District Co-operative Central Bank Ltd., Machilipatnam, Krishna District.

4. Two CCs to the GP for Co-operation High Court Buildings, Hyderabad.(OUT)

5. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. (SR) No.114498 of 2004

(Judgment delivered by the Honourable

Sri Justice S.Ananda Reddy)

09th February, 2005